

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9675 of 2015

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ORDER :

Heard.

2. The petitioner herein is complainant of C.C.No.376 of 2008 on the file of the Judicial Magistrate of First Class, Asifabad, originally it was numbered on a private complaint that was taken cognizance for the offence under Section 138 of the Negotiable Instruments Act, 1881, and later transferred to Judicial Magistrate of First Class, Bellampalli, by virtue of the order of the Chief Judicial Magistrate-cum-Assistant Sessions Judge, Adilabad, on administrative side and renumbered before the Judicial Magistrate of First Class, Bellampalli, as C.C.No.810 of 2014, as per the expression of the Hon'ble Apex Court in **Dashrath Rupsingh Rathod v. State of Maharashtra and another**. Subsequently, the case was transferred to Additional Judicial First Class Magistrate, Mancherial, Adilabad District, on point of jurisdiction and that there was a Central Ordinance conferring jurisdiction to the place where the cheque presented was returned or dishonoured, as such, the learned Magistrate ordered for return of the case file to the Judicial Magistrate of First Class, Asifabad. It appears, the original cheque was misplaced before the file was received by the Judicial Magistrate of First Class, Bellampalli and as per the submission of the learned counsel for the petitioner, an inquiry is pending against the staff concerned as to the so-called misplacement of cheque during its custody. The Judicial Magistrate of First Class, Asifabad, where the original cheque was misplaced, has to reconstruct the cheque and as per the order of the Chief Judicial Magistrate, the Judicial Magistrate of First Class, Bellampalli, has to try the case.

3. Having regard to the above, the learned District Judge, Adilabad,

shall consider to direct the concerned Magistrate for reconstruction of cheque and transfer the matter to any Court either Judicial Magistrate of First Class, Asifabad or Judicial Magistrate of First Class, Bellampalli, as the case may be, for proceeding with the trial.

4. With the above observation, the criminal petition is disposed of.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13th October 2015.

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